

# West Windsor Township, New Jersey

## Tree Removal Permit Changes for Single and Two-Family Residents

### Existing Exceptions & Exemptions (§170-5)

Resident Owners are currently exempt from Tree Removal Permit requirements (§170-5A) except no person can disturb land or vegetation, including trees, in any conservation area or any other area with conservation restrictions in place, like easements, deed restrictions or other legal instruments (§170-2H). This exemption from a permit ends October 27, 2024 (Ord 2024-08).

### New Requirements per Ordinance 2024-08 (Code Chapter 170)

A. **ALL RESIDENT OWNERS** will have to apply for a Tree Removal Permit with the Township Division of Land Use to remove one or more trees on their property (§170.2A). However, no person can disturb land or vegetation, including trees, in any conservation area or any other area with conservation restrictions in place, like easements, deed restrictions or other legal instruments (“conservation restricted lands” per §170.2D).

B. **Mitigation requirement:** The removal of one or more trees may require an owner to plant new trees in another location on the property. If unable to replant on the property, then a fee for the Township to replant trees elsewhere may be required (§170.2B & 2C).

C. **Exemption:** Owners of property up to one-acre in size can apply for a permit to remove up to 3 trees (less than 33” DBH in size) within a 5-year period with no mitigation requirement. If property exceeds one acre, then it’s up to 3 trees per acre, with any partial acreage being pro-rated, within a 5-year period. (\*conservation restricted lands excluded per §170.2D).

# of trees removed is a rolling count across any 5-year period. (E.G. 3 Trees removed in 2024 resets to 0 in 2029; however, if 1 tree is removed in 2024 and another in 2026, the first tree will come off the count in 2029 and the second in 2031). Tree Removal Permit application and fee are still required in order to justify and provide a record of exemption.

D. **Exemption:** “Dangerous Trees” are not counted in the 3 trees per acre and may be removed without incurring any replacement tree planting, or application fee. Any tree(s) with a trunk base located within 25’ of applicant’s residential structure (home and garage) will be considered a dangerous tree(s) for purposes of this chapter. A Tree Removal Permit application will not be required for trees determined as dangerous by a NJ licensed tree expert in a written report, including the cases of storm damaged trees and trees felled by natural causes. Written report copy must be maintained at the property for a minimum of 5 years from removal date of tree(s).

THESE ARE HIGHLIGHTS ONLY. This hand-out is for informational purposes only and does not supersede the adopted ordinance. Residents are encouraged to become familiar with Chapter 170 in Ordinance 2024-08 which can be found on the Township website.

# West Windsor Township, New Jersey

## Tree Removal Permit Changes for Property Owners\*\*

Table 1. Tree Replacement Requirements

Category	Size of Tree to be Removed, In Inches DBH	Replacement trees to be planted In Inches Caliper
1	6 to 12.99 <u>DBH</u> and Street Tree 2.5 to 12.99 <u>DBH</u>	Plant one (1) tree with a minimum tree <u>caliper</u> of 1.5 for each tree removed
2	13 to 22.99 <u>DBH</u>	Plant two (2) trees with minimum tree <u>caliper</u> of 1.5 for each tree removed
3	23 to 32.99 <u>DBH</u>	Plant three (3) trees with minimum tree <u>caliper</u> 1.5 for each tree removed
4	33 or greater <u>DBH</u>	Plant four (4) trees with minimum tree <u>caliper</u> of 1.5 for each tree removed
		NOTE: A coniferous tree measuring 5 foot height shall be considered equal to a deciduous tree measuring 1.5 caliper for replacement requirement.

Table 2. Tree Removal Permit Additional Application Fee

Category	Size of Tree to be Removed, in Inches DBH	Additional Application Fee, Cumulative per tree
1	6 to 12.99 <u>DBH</u> and Street Tree 2.5 to 12.99 <u>DBH</u>	\$300.00
2	13 to 22.99 <u>DBH</u>	\$1,000.00
3	23 to 32.99 <u>DBH</u>	\$1,500.00
4	33 or greater <u>DBH</u>	\$2,000.00

### Glossary

Dangerous Tree – A tree that is determined by a licensed tree expert in writing that shows one or more of the following conditions:

1. Infectious disease or insect infestation severe enough to likely lead to demise of the tree
2. Dead, dying, severely declining and/or severely damaged, including storm damaged trees and trees felled by natural causes.
3. Obstructs the operation or operational view of traffic signals, signs, streetlights, fire hydrants, sanitary sewer pipes, potable water pipes, or safe passage of pedestrians or vehicles, where pruning attempts and protective measures have not been effective, or will cause death of the tree
4. Causing damage to public/private structures and/or infrastructure, that cannot be mitigated.
5. Otherwise determined by a New Jersey Licensed Tree Expert, certified arborist, or an appropriate municipal representative, to be a threat to public health, safety, and/or welfare, which cannot be mitigated by appropriate action

DBH (Diameter at Breast Height) – A means of determining size of mature trees. The diameter in inches of the trunk of a mature tree measured 4.5' from the ground level, parallel to the trunk, from the uphill side of the tree. Trees that have multiple stems that divide at least 6 inches above ground and below the 4.5' are measured at the highest point below the division. Trees that Divide below 6 inches are considered multiple individual trees.

Homesite – The land under the dwelling and such additional land used in connection with single family dwelling (E.G. land used for lawns, flower gardens, shrubs, pools, tennis courts)

Tree Caliper – A means of determining size of young trees. The diameter in inches of the trunk of a young tree, measured 6 inches above ground level for field grown trees; measured from the soil line for container grown trees. If caliper measured at 6 inches is 4.5 inches or greater, the caliper is then measured at 12 inches above ground level or soil line. Multi-stem tree caliper is calculated as ½ of the caliper of the three largest trunks, or the average caliper of all trunks

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